

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES ROBERT MCQUEARY, ) CASE NO.: C90-0414-RSM  
Petitioner, )  
v. ) ORDER DENYING PETITIONER'S  
JAMES BLODGETT, et al., ) REQUEST TO COMPEL ACTION ON  
Respondents. ) CALIFORNIA DETAINER

The Court, having reviewed petitioner's June 2006 letter, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, the Objections by petitioner, and the balance of the record, does hereby find and Order:

(1) The Court ADOPTS the Report and Recommendation with the following additional comments. Petitioner, in his Objections, does not appear to dispute Judge Theiler's conclusion that he has not properly sought assistance with the California detainer by way of letter to this Court. Instead, petitioner disputes the Court's categorization of his letter as one seeking dismissal of the California detainer. Petitioner clarifies that he is actually seeking an Order compelling compliance with the detainer. He wishes to be extradited to California, and the Court acknowledges that he is seeking such relief. However, the Court finds that, regardless of whether petitioner is seeking compliance with or dismissal of the

**ORDER OF DISMISSAL**  
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detainer, Judge Theiler's conclusion that petitioner must do so by way of filing a habeas petition in the proper court remains correct.

- (2) Petitioner's request to compel compliance with any California detainer is denied without prejudice to petitioner later raising this issue in a proper forum.
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Theiler.

DATED this 25th day of October, 2006.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE